REMARKS

This amendment is responsive to the Final Office Action dated March 11, 2009. Applicant has amended claims 7–10 and 12–13 and added new claims 22–28. Claims 1–6, 11, and 14–21 were previously cancelled. Claims 7–10, 12–13, and 22–28 are pending upon entrance of this Amendment.

Claim Rejection Under 35 U.S.C. § 101

The Final Office Action rejected claims 7–10, 12 and 13 under 35 U.S.C. § 101, asserting that the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees, but nevertheless to expedite prosecution, Applicant has amended claim 7 to require that each of the elements of claim 7 are performed "by a computing device." The algorithm that transforms a general purpose computing device to a particular computing device is the algorithm required by the method of amended claim 7. That is, the elements of claim 7 transform an otherwise general purpose computing device to a particular computing device when the computing device executes each of the elements required by amended claim 7. In particular, amended claim 7 requires:

> executing, **by a computing device,** an enterprise planning session in accordance with an enterprise planning model, wherein the enterprise planning model defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors, wherein executing the enterprise planning session comprises:

> receiving**, by the computing device,** contribution data provided by the enterprise contributors; and

> automating**, by the computing device,** reconciliation of the contribution data across an enterprise that corresponds to the enterprise planning model by automatically aggregating the contribution data as the contribution data is received, wherein the enterprise planning model comprises a financial model;

> checking-out**, by the computing device,** an individual one of the nodes of the model for editing during execution of the enterprise planning session in accordance with the enterprise planning model; and

> modifying**, by the computing device,** the checked-out individual one of the nodes of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out.

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In this manner, claim 7 as amended literally requires that a computing device performs each act of the method recited therein. When a general purpose computing device performs this method, the general purpose computing device becomes a particular computing device by the very nature of performing each of these acts. For at least these reasons, amended claim 7 is statutory and patentable over 35 U.S.C. § 101. Dependent claims 8–10, 12, and 13 incorporate these requirements, therefore the dependent claims are likewise statutory. Applicant therefore respectfully requests withdrawal of this rejection.

Claim Rejection Under 35 U.S.C. § 112

35 U.S.C. § 112, ¶ 1

The Final Office Action rejected claims 7–10, 12 and 13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully disagrees. 35 U.S.C. § 112, ¶ 1 requires:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Applicant previously cited one example of the specification that discloses reconciliation, i.e., ¶¶ 51–52. This is merely one example portion of Applicant's specification regarding reconciliation. Another example portion of Applicant's specification that discloses reconciliation is ¶ 31, reproduced below (with emphases added):

> [031] During the reconciliation phase, enterprise planning system 3 automates the reconciliation of the forecast data with the corporate targets provided by analysts 8. In particular, enterprise planning system 3 operates in accordance with the defined model to provide a hierarchical planning process having multiple reconciliation levels. As each of contributors 6 provides his or her contribution data, <u>enterprise planning system 3 **automatically aggregates the contribution data across enterprise 4 in real-time**</u>, and provides access to the aggregated data to reviewers 9 associated with higher levels of enterprise 4. In particular, <u>upon receiving contribution data from contributors 6, enterprise planning system 3</u>

> **identifies all higher levels of the organizational model affected by the newly**
> **received contribution data, and calculates new aggregate totals at each level**
> **in real-time**.

Applicant's specification at ¶ 32 further discloses details regarding reconciliation, as reproduced below (with emphases added):
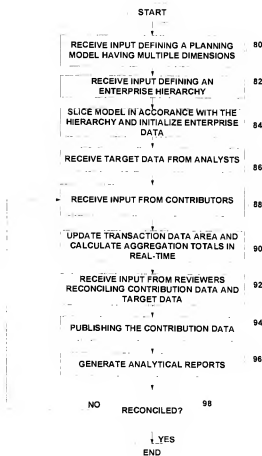
> **[032]** Consequently, reviewers 9 view aggregated data across enterprise 4 in real-time during the enterprise planning session. At each level, <u>enterprise planning system 3 **ensures that reviewers 9**, as defined by the nodes of the enterprise model, **reconcile the target data with the forecast data**. Each reviewer 9 may, for example, reject or accept the contribution data</u> in view of corporate targets provided by analysts 8. This process continues until the contribution data is ultimately approved by the highest level of the organizational hierarchy, thereby <u>ensuring that the contribution data from contributors 6 reconciles with corporate targets provided by analysts 8</u>.

In this manner, Applicant's specification describes an enterprise planning system that "may improve the accuracy and predictability of enterprise planning by enabling organizations to reconcile corporate models and organizational targets with detailed forecasts." Specification, ¶ 33. Moreover, as shown above, Applicant's specification describes the manner in which a computing device executing the method of claim 7 participates in the reconciliation phase, i.e., a computing device that "automates reconciliation of contribution data," as required by amended claim 7.

To further provide evidence that Applicant's Specification discloses the requirements of amended claim 7 with respect to reconciliation, Applicant respectfully directs the Examiner's attention to FIGS. 5–8 and the corresponding portions of the specification, i.e., ¶¶ 70–85. FIGS. 5 and 6 depict an example organization of a transactional data area in accordance with a hierarchy defined by an enterprise planning model. *See also* Specification, ¶¶ 21, 70. Applicant's Specification, at ¶¶ 71–72, describes the model for hierarchy 70 depicted in FIG. 5. FIG. 6 illustrates the manner in which contribution data from each outlet and each region may be stored in a transactional data area. Specification, ¶ 60. Applicant's Specification further

discloses that, in this manner, a planning system or computing device may aggregate data for each node in the hierarchy. Specification, ¶ 74. As Applicant's Specification describes, reconciliation includes the aggregation of contribution data.

FIG. 7 illustrates a method for performing a planning session. As described in Applicant's Specification, a planning session includes three stages: (1) a modeling stage, (2) a contribution stage, and (3) a reconciliation stage. *See, e.g.*, Applicant's Specification, ¶ 8. FIG. 7, reproduced below, illustrates steps for each stage:

START

| RECEIVE INPUT DEFINING A PLANNING MODEL HAVING MULTIPLE DIMENSIONS | 80 |

| RECEIVE INPUT DEFINING AN ENTERPRISE HIERARCHY | 82 |

| SLICE MODEL IN ACCORANCE WITH THE HIERARCHY AND INITIALIZE ENTERPRISE DATA | 84 |

| RECEIVE TARGET DATA FROM ANALYSTS | 86 |

| RECEIVE INPUT FROM CONTRIBUTORS | 88 |

| UPDATE TRANSACTION DATA AREA AND CALCULATE AGGREGATION TOTALS IN REAL-TIME | 90 |

| RECEIVE INPUT FROM REVIEWERS RECONCILING CONTRIBUTION DATA AND TARGET DATA | 92 |

| PUBLISHING THE CONTRIBUTION DATA | 94 |

| GENERATE ANALYTICAL REPORTS | 96 |

NO   RECONCILED?   98

YES
END

In the example of FIG. 7, steps 88–98 generally correspond to the reconciliation stage. This is evident from Applicant's specification, ¶ 80, which states, "Enterprise planning system 3 repeats the reconciliation process until the contribution data and aggregate totals are accepted by the high-level reviewer of the organizational hierarchy (98)." As is evident from FIG. 7, the method prescribes determining whether the data has been reconciled (98), and if not, steps 88–98 are repeated. Accordingly, each of steps 88–98 in FIG. 7 correspond to an example method for

performing reconciliation by a computing device. FIG. 8 provides details regarding aggregation of contribution data across an enterprise. *See, e.g.,* ¶ 81. As disclosed throughout the Specification, aggregation of contribution data corresponds to one aspect of the reconciliation phase. *See, e.g.,* ¶ 31.

For at least these reasons, the Specification satisfies the requirements of 35 U.S.C. § 112, ¶ 1 with respect to amended claim 7. Dependent claims 8–10, 12, and 13 incorporate the requirements of amended claim 7, therefore the Specification satisfies the requirements of 35 U.S.C. § 112, ¶ 1 with respect to the dependent claims, insofar as those claims incorporate the requirements of independent claim 7 as amended. Moreover, the dependent claims include additional requirements that satisfy the requirements of 35 U.S.C. § 112, as respectively amended.

As a preliminary matter, Applicant notes the amendments to claims 10, 12, and 13 removing the word "reconciling" and instead reciting "wherein automating reconciliation comprises ...." Therefore, the rejection asserting that "the scope of 'reconciling' is unclear" is rendered moot. Moreover, the claims themselves further define the scope of the requirement "automating reconciliation."

Amended claim 10 requires receiving and processing the contribution data from the enterprise contributors associated with the nodes of the model during the execution of the enterprise planning session and prior to the check-out of the individual one of the nodes, and reconciling the contribution data that was received prior to the check-out of the individual one of the nodes with the updated model information when the checked-out individual one of the nodes is subsequently checked-in during the execution of the enterprise planning session. Amended claim 10 further requires "wherein automating reconciliation comprises updating the data of the checked-out one of the nodes with the contribution data that was received prior to the check-out of the individual one of the nodes in accordance with the updated model information when the checked-out individual one of the nodes is subsequently checked-in during the execution of the enterprise planning session." FIGS. 7 and 8, discussed above, and the corresponding discussion in the Specification, support this requirement of claim 10.

The Final Office Action stated, with respect to claim 10, that "[t]he scope of 'reconciling' is not clear." As amended, claim 10 requires "wherein automating reconciliation," rather than "reconciling," as previously presented. The requirements of amended claim 10 further define the

requirement of "automating reconciliation." This amendment is consistent with Applicant's specification, e.g., at ¶¶ 51, 52, 79, 82, and 85. Therefore, the Specification supports the requirements of amended claim 10.

The Final Office Action also rejected claim 12, asserting that the scope of claim 12 is unclear. Amended claim 12 requires "wherein automating reconciliation comprises defining reconciliation jobs for execution by an application server to prompt a reviewer to reconcile the previously received contribution data with the updated model information for the checked-in individual one of the nodes." This amendment is consistent with Applicant's specification, e.g., at ¶¶ 38–40, 47, 48, 52, 53, 93, and 105. For example, Applicant's specification at ¶ 39 states, "[j]ob data 42C defines administration jobs for execution application servers 26, and configuration (CONFIG) data 42D stores basic configuration data for enterprise planning system 3." Therefore, the Specification supports the requirements of amended claim 12.

The Final Office Action also rejected claim 13, asserting that the scope of claim 13 is unclear. Amended claim 13 requires "wherein automating reconciliation comprises defining reconciliation jobs for execution by remote computers of the enterprise contributors to prompt the enterprise contributors to reconcile the previously received contribution data with the updated model information for the checked-in individual one of the nodes." This amendment is consistent with Applicant's specification, e.g., at ¶¶ 38–40, 47, 48, 52, 53, 93, and 105. For example, Applicant's specification states, "authentication servers 44 may 'push' reconciliation jobs to the local computing devices." Specification, ¶ 52. Therefore, the Specification supports the requirements of amended claim 13.

For at least these reasons, claims 7–10, 12, and 13 comply with 35 U.S.C. § 112, first paragraph. Applicant therefore respectfully requests withdrawal of this rejection.

35 U.S.C. § 112, ¶ 2

In the Final Office Action, the Examiner rejected claims 7–10, 12 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 7 for purpose of clarification. Amended claim 7 requires automating, by the computing device, reconciliation of the contribution data across an enterprise that corresponds to the enterprise planning model **by automatically aggregating the contribution data as the contribution data**

is received. As discussed at great length above, Applicant's specification supports this amendment, e.g., at ¶ 31. Applicant submits that amended claim 7 particularly points out and distinctly claims the subject matter, as required by 35 U.S.C. § 112, second paragraph. Dependent claims 8–10, 12, and 13 incorporate the requirements of amended claim 7, therefore the dependent claims likewise comply with the requirements of 35 U.S.C. § 112, second paragraph. Applicant therefore respectfully requests withdrawal of this rejection.

Claim Rejection Under 35 U.S.C. § 103

The Final Office Action rejected claims 7–10, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Elkin et al. (U.S. Patent Publication No. 2007/0179828, hereinafter "Elkin") in view of Examiner's Official Notice (citing, e.g., Petra Heinl et al., "A Comprehensive Approach to Flexibility in Workflow Management Systems," (hereinafter, "Heinl"), and J. J. Halliday et al., "Flexible Workflow Management in the OPENflow System," (hereinafter, "Halliday"). Applicant respectfully traverses the rejection to the extent it may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the invention(s) defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention(s).

Amended claim 7, for example, requires executing, by a <u>computing device</u>, an enterprise planning session in accordance with an enterprise planning model, wherein the enterprise planning model defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors, checking-out, by the computing device, an individual one of the nodes of the model for editing during execution of the enterprise planning session in accordance with the enterprise planning model, and modifying, by the computing device, the checked-out individual one of the nodes of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out.

The Final Office Action cited Elkin in view of the Examiner's Official Notice as disclosing the requirements of claim 7. However, contrary to the assertions in the Final Office Action, Elkin fails to disclose or suggest, for example, executing an enterprise planning session in accordance with an enterprise planning model, wherein <u>the enterprise planning model defines</u>

hierarchically arranged nodes associated with business logic software modules and enterprise contributors, as required by amended claim 7.

Elkin describes a workflow process, in which a workflow processing model describes each task to be performed to accomplish a business goal. *See, e.g.*, Elkin, ¶¶ 13–14. Elkin specifically teaches that a workflow processing model includes a plurality of business tasks, "which is a unit of work that is to be accomplished by an individual or an existing business program." Elkin, ¶ 14. Elkin describes the business tasks of a workflow process with respect to FIG. 3 therein. *See, e.g.*, Elkin, FIG. 3; ¶¶ 50–53, 128–129. Claim 7, on the other hand, is directed to execution of an enterprise planning session according to an enterprise planning model. Claim 7 specifically requires that the enterprise planning model defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors. Elkin fails to disclose or suggest that the workflow process module defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors.

Applicant's FIG. 5 (reproduced below) provides an example of an enterprise planning model required by amended claim 7:
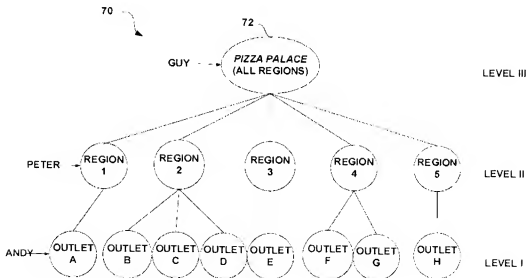
Elkin fails to disclose or suggest an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors, as required by amended claim 7. The references cited in support of the Official Notice also fail to disclose or suggest this requirement of claim 7, as discussed in greater detail below.

Moreover, Elkin fails to disclose or suggest receiving contribution data provided by enterprise contributors and automating reconciliation of the contribution data across an enterprise that corresponds to the enterprise planning model by automatically aggregating the contribution data as the contribution data is received, as required by amended claim 7. As further clarified by Applicant's specification, contribution data may include "detailed financial forecasts, revenue forecasts, order forecasts, inventory forecasts, estimated resource requirements, and the like." Applicant's specification, ¶ 30. Elkin fails to disclose or suggest receiving contribution data from enterprise contributors. Elkin is instead directed to workflow processing, which stands in stark contrast to an enterprise planning session. Workflow processing, as described by Elkin, defines a path beginning with receiving an order and ending with providing the ordered item/product/service to the customer. See, e.g., Elkin, Abstract. In particular, Elkin is directed to creating workflow models. Elkin has nothing to do with an enterprise planning session, which (in accordance with Applicant's specification) relates to reconciling top-down requirements with bottom-up forecasts. See, e.g., Applicant's specification, ¶ 4.

Not only does Elkin fail to disclose or suggest receiving contribution data, Elkin also fails to disclose or suggest automating reconciliation of the contribution data by automatically aggregating the contribution data as the contribution data is received, as required by amended claim 7. Because Elkin fails to disclose or suggest receiving contribution data, Elkin necessarily fails to disclose or suggest automatically aggregating the received contribution data. To the extent that Elkin discloses receiving data at all, Elkin fails to disclose or suggest automatically aggregating contribution data as required by amended claim 7, i.e., in the context of claim 7.

The references cited in support of the Official Notice fail to overcome the deficiencies of Elkin with respect to amended claim 7. Heinl and Halliday, specifically cited by the Final Office Action, each also relate to workflow management, not an enterprise planning session. Heinl, p. 79, Abstract; Halliday, Abstract. Heinl and Halliday both fail to disclose or suggest an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors. Heinl instead describes a workflow management application that supports a business workflow. Heinl, p. 79, col. 2. Heinl is not directed to executing an enterprise planning session in accordance with an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors. Halliday likewise discloses a workflow and fails to disclose or

suggest executing an enterprise planning session in accordance with an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors. *See, e.g.*, Halliday, p. 1.

With respect to the Official Notice, the Examiner asserted that it was old and well known to "modify individual nodes of a model," "modify the nodes of the model without preventing execution of the session for the nodes that are not checked out," and "check out individual nodes." The Examiner cited a variety of references to support the Official Notice. However, the references do not support the Official Notice, and the Official Notice, in view of Elkin, fails to disclose or suggest the requirements of amended claim 7.

Amended claim 7 requires an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors. With respect to the enterprise planning model, amended claim 7 requires checking-out an individual one of the nodes of the model for editing during execution of the enterprise planning session in accordance with the enterprise planning model and modifying the checked-out of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out.

To the extent that Heinl may disclose changing a workflow management application during runtime (Heinl, p. 80, col. 1), Heinl fails to disclose or suggest modifying nodes of an **enterprise planning model** without preventing execution of an **enterprise planning session** for the nodes that are not checked out. As discussed above, neither Elkin nor Heinl discloses executing an enterprise planning in accordance with an enterprise planning model, as required by amended claim 7. Therefore, the nodes disclosed by Heinl do not correspond to nodes of an enterprise planning model, i.e., hierarchically arranged nodes associated with business logic software modules and enterprise contributors. Accordingly, Heinl fails to disclose or suggest how one of ordinary skill in the art could apply the techniques of changing a workflow management application in real time to the enterprise planning model required by amended claim 7, or how to modify Elkin to achieve the requirements of amended claim 7.

To the extent that Halliday may disclose flexibility of a workflow management process (Halliday, Abstract and p. 1), Halliday also fails to disclose or suggest modifying nodes of an **enterprise planning model** without preventing execution of an **enterprise planning session** for the nodes that are not checked out. Halliday specifically teaches modifying a workflow process

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"to include one or more execution paths." Halliday, p. 1, ¶ 3. Adding execution paths to a workflow model is not checking out a node, from hierarchically arranged nodes associated with business logic software modules and enterprise contributors, for editing and modifying the checked-out node without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out, as required by amended claim 7. Accordingly, Halliday also fails to disclose or suggest the requirements of amended claim 7, even in view of Elkin.

The other documents cited in support of the Official Notice also involve workflow models, not enterprise planning models. To date, the Examiner has not cited any references that support the Official Notice taken that it is well known to check out an individual one of hierarchically arranged nodes, associated with business logic software modules and enterprise contributors, of an enterprise planning model for editing during execution of an enterprise planning session in accordance with the enterprise planning model, and modifying the checked-out individual one of the nodes of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out. Instead, the Final Office Action relied on an entirely different model (a workflow model) that is unrelated to an enterprise planning model. In particular, none of the cited references, alone or in combination, disclose or suggest an enterprise planning model that defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors.

Accordingly, amended claim 7 is patentable over the applied prior art. Dependent claims 8, 9, 10, 12, and 13 incorporate the requirements of amended claim 7, therefore the dependent claims are likewise patentable. Moreover, the dependent claims include a number of requirements likewise not disclosed or suggested by the applied prior art.

For example, amended claim 12 requires that automating reconciliation comprises defining reconciliation jobs for execution by an application server to prompt a reviewer to reconcile the previously received contribution data with the updated model information for the checked-in individual one of the nodes, wherein the application server is communicatively coupled to the computing device. The Final Office Action didn't apply any of the references to claim 12 as previously presented, instead reasserting the § 112 rejection. Applicant respectfully submits that amended claim 12 overcomes the rejection based on § 112. The Final Office Action asserted that the scope of "reconciling" is unclear. Applicant respectfully notes that, as the

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elements of amended claim 12 further define the scope of "automating reconciliation," the scope of "automating reconciliation" is made clear by the elements of dependent claim 12. That is, the refinements described by the dependent claim further define the scope of the requirement of the independent claim being limited in-and-of themselves. Accordingly, Applicant respectfully submits that amended claim 12 is patentable under 35 U.S.C. §§ 103 and 112.

For at least these reasons, the Final Office Action has failed to establish a prima facie case for non-patentability of Applicant's claims 7–10 and 12–13 under 35 U.S.C. § 103(a). Applicant therefore respectfully requests withdrawal of this rejection.

New Claims

Applicant has added claims 22–28 to the pending application. The applied references fail to disclose or suggest the invention(s) defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention(s). Claims 22–23 depend from independent claim 7, and thus are patentable for at least the reasons discussed above. Independent claims 24 and 28 recite subject matter similar to amended claim 7, therefore similar remarks apply with respect to claims 24 and 28 as were presented with respect to claim 7 in the remarks regarding rejections based on § 103. Claims 25–27 depend from independent claim 24 and thus are patentable by virtue of claim 24 being patentable. No new matter has been added by the new claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicant does not acquiesce as to any assertion in the Office Action with respect to the prior art or to Applicant's claims. Applicant's silence with respect to any assertion in the Office Action should not be interpreted as Applicant's acquiescence thereto. Applicant reserves the right to comment further with respect to the cited art and/or any pending claim in a future Amendment, Response, or on appeal. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: June 11, 2009   By: _____

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